

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

BATES ENERGY OIL & GAS, LLC

v.

COMPLETE OIL FIELD SERVICES, LLC AND
SAM TAYLOR

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CIVIL ACTION: SA:17-CV-00808-XR

**DEFENDANT/COUNTER-PLAINTIFF COMPLETE OIL FIELD SERVICE, LLC'S
ADVISORY OF SERVICE**

On September 30, 2019, the Court granted Defendant/Counter-Plaintiff Complete Oil Field Service, LLC's ("COFS") request to serve Dewayne Naumann with COFS's Fourth Amended Counterclaim. (Dkt. No. 136 and related text order). Accordingly, on September 30, 2019, COFS's sent Mr. Naumann a letter by regular U.S. mail, and by certified mail, return receipt requested, attaching a service copy of the pleading to both letters.

Counsel for COFS did not receive the signed green card from the post office proving delivery of the package sent by certified mail to Mr. Naumann. This same event occurred in May 2019, when counsel for COFS attempted to serve Mr. Naumann and his company ELC with its Request for Entry of Default by certified mail (Dkt. No. 120). On both occasions, neither the green card nor the package was returned to COFS's counsel.

Both times counsel contacted the post office, which opened a "case." However, the post office could not explain for either occasion why neither the green card nor the package was returned to COFS, and it said it had neither in its own possession. It is unknown how Mr. Naumann has avoided formal acceptance of the packages at his office, if in fact he has accepted them, to the

extent the acceptance includes his signature on the green card. (The package COFS sent by regular mail to Mr. Naumann on September 30, 2019 was not returned to COFS's counsel.)

For these reasons, COFS hired a process server on October 29, 2019, who immediately hand-delivered, and thus served, the Fourth Amended Counterclaim on Mr. Naumann at his office address on October 30, 2019. A copy of process server Jeff Keyton's affidavit is attached as Exhibit 1.

Dated: November 1, 2019

Respectfully submitted,

/s/ Lisa S. Barkley

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**ATTORNEYS FOR DEFENDANTS AND
COUNTER-PLAINTIFF**

CERTIFICATE OF SERVICE

I certify that on this 1st day of November, 2019, I electronically filed the foregoing instrument with the Clerk of the Court using the CM/ECF system, and served the following counsel of record in accordance with the Federal Rules of Civil Procedure:

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***Counsel for Counter-Defendant
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The following parties were served with the foregoing instrument by U.S. mail, at their last known address:

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Howard Resources, LLC
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/s/Lisa S. Barkley
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